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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:

KOHL et al.

Serial No. 045,799

Filed: April 28, 1987

For: DIALKOXYPYRIDINES,  
PROCESSES FOR THEIR  
PREPARATION, THEIR USE AND  
MEDICAMENTS CONTAINING  
THEM

)  
)  
) Group Art Unit: 121

)  
) Examiner: J. Fan

)  
) Room: 2-9C13

#25

EBW

3-4-88

SUPPLEMENT TO AMENDMENT UNDER RULE 115

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

February 9, 1988

Sir:

Applicants are concurrently filing herewith an Amendment under Rule 115 in response to the Office Action of September 1, 1987. Two Declarations accompany that amendment, which was substantially prepared in preparation for the interview which was conducted on December 17, 1987, and reflects much of what transpired during that interview.

From the Examiner Interview Summary Record (Paper No. 22) it is clear that additional evidence had to be obtained in order to overcome outstanding grounds of rejection. Paper No. 22 sets forth the nature of further evidence needed by the PTO to overcome all outstanding grounds of rejection. Preparation of needed compounds, appropriate testing and collection of data have now been completed, and the results are presented herewith in a further Declaration by Dr. Uwe Krüger, executed

Serial No. 045,799

on February 5, 1988.

Even though direct comparative test data were not required, corresponding compounds were produced so that direct comparisons could be presented. The data confirm the truly unexpected results achieved by the instantly-claimed invention.

In view of the clear indication of Paper No. 22 that evidence of the type instantly presented would establish patentability of this application, action toward that end is now clearly in order and respectfully solicited.

Respectfully submitted,

BERMAN, AISENBERG & PLATT

By:

  
Irwin M. Aisenberg

Reg. No. 19,007

1730 Rhode Island Avenue, N.W.

Washington, D.C. 20036-3186

(202) 293-1404